

REMARKS

The present invention relates to a vacuum sampling tube and to a vacuum sampling method using such vacuum sampling tube.

The only rejections in the Office Action of January 23, 2004, are rejections of claims 1 and 5 as being anticipated by Jensen et al or Castaneda and a rejection of claims 2-4 and 6-8 as being obvious over Jensen et al and Castaneda.

The kits disclosed in Jensen et al and in Castaneda have a larger tube with a plug, and other components outside two tubular casings.

In contrast, a vacuum sampling tube according to the present invention essentially has only two components (two tubular casings, or one tubular casing and one cylinder), and the larger tube does not have a plug because the smaller tube or cylinder also functions as a plug of the larger tube. See, e.g., Figs. 1-4.

Moreover regarding the present invention, the outer surface of the larger tube, and the vacuum sampling tube consisting of the smaller tube and the larger one as assembled together in the manner of a nest of boxes precludes spilling a sample. This too is a difference between the present invention and the cited references.

In order to further emphasize the differences between the present and prior art, Applicants have herein amended claims 1 - 4 to use terminology "consisting of" in defining the sampling vessel, and to furthermore explicitly indicate that the tubular casing does not have a plug (see, e.g., Figs. 1-4).

AMENDMENT Under 37 CFR § 1.111
Appln. No. 10/009,683

Therefore, neither Jensen et al nor Castaneda deny the novelty and non-obviousness of the present invention.

In view of the above, reconsideration and allowance of claims 1-8 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

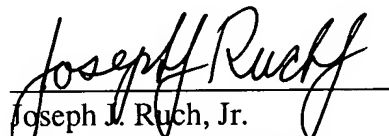
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Date: April 21, 2004